5282418/2021/M-III-INC01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MINES & MINERALS - Considering Renewal period of Mining Lease for Manganese Ore over an extent of 21.587 Hectares in Sy.No.20/P of Garividi Village and Mandal, Vizianagaram District in favour of M/s. R.B.S.S.D. & F.N.Das as 50 years from 08-03-1968 to 07-03-1988 (20 years) and 20-08-1994 to 19-08-2024 (30 years) duly excluding the gap period of non possession of lease - Orders - Issued.

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INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No.81 Date:08.12.2021

Read the following:

1 .G.O.Ms.No.1492, Ind. & Com. Dept., dt.16.02.1966.
2.G.O.Ms.No.05, Ind. & Com. Dept., dt.05.01.1978.
3.G.O.Ms.No.285, Ind. & Com. Dept., , dt.11.07.1994.
4. From the Hon'ble High Court, AP., Orders Dt.10.12.1996 in W.P.No.19711/1996.
5. G.O.Ms.No.215, Ind. & Com.(M.III) Dept., dt.30.08.1997.
6.G.O.Ms.No.302, Ind. & Com. (M.III) Dept., dt.20.10.2003.
7. G.O.Ms.No.124, Ind. & Com. (M.III) Dept., dt.25.10.2013.
8. From the Hon'ble Supreme Court Judgment dt.04.04.2016 in W.P.(C) No.114/14 & 194/14.
9.Govt.,Letter No.5548/M.III(2)/2017, Dt.25.09.2017.
10. From the Hon'ble High Court, AP.,Dt. 20.05.2020 in I.A.No.1& 2 of 2020 of W.P.No.8143/2020.
11. From the Under Secretary, MoM, GoI, Lr.No.11/17/2020-M.VI, Dt.30.07.2020.
12. From the DM&G, AP., Lr.No.3572731/D2/2020, Dt.10.08.2021.

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ORDER:-

In the G.O 1st read above, Government have granted Mining Lease for Managanese Ore over an extent of 31.266 Hectares/77.26 Acres in Sy.No.20/P of Garividi Village and Mandal, Vizianagaram District in favour of M/s. R.B.S.S.D. & F.N.Das for a period of 20 years and lease deed was executed on 08-03-1968 and lease was in force up to 07-03-1988.

2. Subsequently, all the Manganese bearing areas in Srikakulam & Vizianagaram Districts were reserved in favour of M/s Steel Authority of India Limited (SAIL) vide G.O.2nd read above. Hence, the application filed by M/s. R.B.S.S.D. & F.N.Das for grant of 1st renewal could not be processed. M/s. Visakhapatnam Steel Plant vide letter dt.28.03.1991 informed that they have no interest over the subject lease and given consent in favour of the applicant for grant of renewal of lease. Accordingly, vide G.O. 3rdread above, 1st renewal of the subject lease was granted by Government for a period of 10 years with retrospective effect from 08.03.1988. Renewal lease deed was executed on 20.08.1994 for a period up to 07.03.1998.

(P.T.O)

3. In pursuance of the directions of the Hon'ble High Court vide Orders 4th read above, Government have issued amendment vide G.O 5th read above, to effect that 1st Renewal of Mining Lease is granted for a period of 10 years w.e.f. the date of execution of lease deed. Thus, the lease period would be up to 19.08.2004. Another amendment vide G.O 6th read above, substituting the period of lease from 10 years to 20 years. As such, the lease was in force up to 19.08.2014, i.e. prior to commencement of the amended MMD&R Act, 2015.

4. In the G.O.,7th read above, Government have permitted the lease holder for part surrender of the Mining Lease area covering an extent of 9.692 Hectares w.e.f. the date of surrender application i.e. 13.02.2012 and to retain an extent of 21.587 Hectares. The lease holder has filed 2nd renewal application on 09.07.2013 i.e. well within the time stipulated under Rule 24 (A) of MC Rules, 1960.

5. In the Letter 9th read above, Government, based on the proposals of the DM&G, AP., have requested the MoM, GoI, New Delhi to accord prior approval for extension of lease period for 50 years up to 19-08-2024 in the light of orders Dt.10.12.1996 of the Hon'ble High Court in WP.NO.19711/1996 treating it as a special case as per Section 8A(3) of MMDR Amendment Act, 2015 read with judgment of the Hon'ble Supreme Court, vide order 8th read above, duly exempting the gap period of 06 years and 165 days from 08-03-1988 to 19-08-1994 during which the lease was not in position of the lease holder by virtue of reservation of the area in favour of M/s. SAIL.

6. In reply, the Under Secretary, MoM, GoI, vide Letter 11th read above, has advised the GoAP to take necessary action as per the section 8A(6) of the Mines & Minerals (Development & Regulation) Act, 1957.

7. In this regard, the DM&G, AP., who examined the above issue has stated in his Letter 12th read above, that the grade of Manganese available in the area is mostly low grade (25% to 35%) and it may not be economically viable for conducting auction for this area. As per the mining plan submitted, the area is having reserves of 4,83,204 MTS approved by IBM. State wise Andhra Pradesh account for 4% of total reserves after Orissa 40%, Karnataka 20%, Madhya Pradesh 11%, Maharastra 8%. In recent times for auctions conducted for mineral blocks of Iron ore and manganese in Orissa state there is lukewarm response. Iron ore is blanket deposit whereas manganese is pocket deposit.

8. The DM&G, AP., has, therefore, requested to consider the renewal period as for 50 years from 08-03-1968 to 07-03-1988 (20 years) and 20-08-1994 to 19-08-2024 (30 years) under section 8A(6) of MM(D&R) Amendment Act, 2015 keeping in view the instructions issued by the Government of India, Ministry of Mines vide Letter 11th read above, and the Judgment of the Hon'ble High Court vide order 10th read above, duly exempting the gap period of non possession of lease i.e., 06 years and 165 days from 08-03-1988 to 19-08-1994 during which the lease was reserved for M/S SAIL.

9. Government, after careful examination of the matter, keeping in view the instructions issued by the Government of India, Ministry of Mines in the letter 11th read above, and the said orders issued by the Hon'ble High Court of A.P., and the circumstances reported by the Director of Mines & Geology, A.P., hereby consider the renewal period for Manganese Ore over an extent of 21.587 Hectares

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in Sy.No.20/P of Garividi Village and Mandal, Vizianagaram District in favour of M/s. R.B.S.S.D. & F.N.Das as 50 years from 08-03-1968 to 07-03-1988 (20 years) and 20-08-1994 to 19-08-2024 (30 years) under Section 8 A (6) of MM(D&R) Act, 2015, duly excluding the gap period of non possession of lease i.e.,06 years and 165 days during which the area was reserved for M/s SAIL, subject to satisfaction of all other terms and conditions laid down under MM(D&R) Amendment Act, 2015 and the Rules made thereunder and subject to satisfaction of standing instructions and guidelines issued by the Govt. of India and State Government from time to time.

10. The Director of Mines & Geology, Government of Andhra Pradesh, Vijayawada shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT (MINES)

To
The Director of Mines & Geology, AP., Vijayawada.
M/s. R.B.S.S.D. & F.N.Das, Sreeramnagar PO, Garividi Village and Mandal, Vizianagaram District.
Copy to:
The Assistant Director of Mines & Geology, Vizianagaram District.
The District Collector, Vizianagaram district.
The Secretary to Govt. of India, Ministry of Mines, Sastry Bhavan, New Delhi-110001.
The Controller General, Indian Bureau of Mines, Indira Bavan, Civil Lines, Nagpur - 440001.
The Director General, Mines Safety, Dhanbad, Jarkand.
The Regional Controller of Mines, Koti, Hyderabad.
SF/SC. (Comp. No:1212250)

//FORWARDED : BY ORDER//

SECTION OFFICER

mps